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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,123	01/12/2004	Ralf Gutsche	HSJ920030256US1	3143
7590 11/26/2008				
John L. Rogitz Rogitz & Associates Suite 3120 750 B Street San Diego, CA 92101			EXAMINER LU, KUEN S	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 11/26/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/756,123

**Applicant(s)**

GUTSCHE, RALF

**Examiner**

KUEN S. LU

**Art Unit**

2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/13/2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9 and 26-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-6, 8-9 and 26-35 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Action is responsive to Applicant's Amendment filed May 13, 2008.
2. A restriction of the instant Application has been orally discussed with Applicant's representative (Mr. John L. Rogitz, Registration Number 33,549 and Telephone Number 619-338-8075) and Mr. Rogitz has kindly agreed to convey the restriction to Applicant. However, after weeks of repeated requests from this Examiner, Applicant's response seems to be still pending. For expediting execution of the Application, the restriction to one of the following three inventions is required, under 35 U.S.C. 121, and hereby formally presented as follows.

I. Claims 1-6 -

drawn to generating database or data structure, for example, via graphical user interface, classified in class 707, subclass 102 – **a first Embodiment – using a GUI page to configure a data pipeline, and the GUI further comprising at least one Pipe Output Set tab for defining PipeOutputSet representative of a type of output data from the pipeline;**

II. Claims 8 and 26-30 -

drawn to generating database or data structure, for example, via graphical user interface, classified in class 707, subclass 102 – **a second Embodiment – using a GUI page to configure a data pipeline and the GUI further comprising: at least one Storage For TupleSets tab for defining an arbitrary number of elements contained in a StorageForTupleSets component of the pipeline, individual input and output sets being definable for each element in the component; and**

III. Claims 9 and 26-30 -

drawn to generating database or data structure, for example, via graphical user interface, classified in class 707, subclass 102 – **a third Embodiment – using a GUI page to configure a data pipeline and the GUI further comprising: at least one Pipe Modules tab for determining an arbitrary number of PipeModules of the pipeline, a type being selected for each PipeModule using the tab, the type defining at least in part the GUI.**

3. The inventions I – **a first Embodiment**, II – **a second Embodiment** and III – **a third Embodiment** are related as sub-combinations disclosed as usable together in a single combination. The three embodiments in the sub-combination are distinct from each other: embodied separately and differently, and, they are shown to be separately usable.

In the instant case, invention I – at least one Pipe Output Set tab for **defining PipeOutputSet representative of a type of output data from the pipeline;**

Invention II – **a second Embodiment** is related to at least one Storage For TupleSets tab **for defining an arbitrary number of elements contained in a StorageForTupleSets component of the pipeline, individual input and output sets being definable for each element in the component; and**

Invention III – **a second Embodiment** is related to at least one Pipe Modules tab for **determining an arbitrary number of PipeModules of the pipeline, a type being selected for each PipeModule using the tab, the type defining at least in part the GUI.**

Because these inventions are distinct and related to different embodiments of an art sub-classification and Applicant described the inventions in a separate, respective set of

independent and dependent claims, restriction for examination purposes as indicated is proper. Also please be advised this election/restriction does not preclude any further election/restriction of claim groups in each specific art above.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(l).

**Applicant is reminded that the reply to this restriction election to be completed must be included an election of the invention to be examined within one month from the mailing date of this office action, even though the requirement be traversed (37 CFR 1.143).**

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to KUEN S. LU whose telephone number is (571)-272-4114. The examiner can normally be reached on Monday-Friday (8:00 am-5:00 pm). If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Pierre Vital can be reached on (571)-272-4215. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for Page 13 Published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

You have questions on access to the Private PAIR system; contact the Electronic

Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, please call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KUEN S. LU /Kuen S Lu/

Art Unit 2169

Primary Patent Examiner

November 26, 2008